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In re Application of: :
REINIKE, et. al. :
Application No.: 10/596,522 : DECISION
PCT No.: PCT/US04/42948 :
Int. Filing Date: 20 December 2004 :
Priority Date: 19 December 2003 :
Attorney's Docket No.: 91830.0542771 :
For: POLYAMIDES AND POLYAMIDE COMPLEXES
FOR DELIVERY OF OLIGONUCLEOTIDE
DECOYS

This decision is in response to applicants' "Petition For Correction of Title under 37 CFR 1.181" filed 17 June 2008 seeking correction of the application title. No petition-fee is required.

BACKGROUND

On 20 December 2004, applicants filed international application PCT/US04/42948 which claimed a priority date of 19 December 2003. The deadline for payment of the basic national fee was thirty months after the international filing date, i.e. 19 June 2006.

On 15 June 2006, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a copy of the international application. The title set forth on the published international application is "Polyamides and Polyamide Complexes For Delivery of Oligonucleotide Decoys."

On 17 June 2008, applicants filed the present request considered herein. The request asks that the title of the invention to be corrected to "Polyamides for Nucleic Acid Delivery."

DISCUSSION

Section 1893.03(e)(1) of the Manual Of Patent Examining Procedure (MPEP) states the following regarding the title in U.S. national stage applications:

In the absence of an application data sheet (37 CFR 1.76) or preliminary amendment changing the title, the Office will use the title of the invention that appears on the first page of the description of the published international application (if published under PCT Article 21 in English) or the title that appears on the first page of the description of the English translation of the international application (if not published under PCT Article 21 in English) in preparing the official filing receipt. If the title does not appear on the first page of the description, and an application data sheet or preliminary amendment changing the title has not been furnished, then the title will be taken from the cover page of the published international application. If applicant furnishes an application data sheet or preliminary amendment changing the title, the Office will use the title as indicated in such document in preparing the official filing receipt. If applicant submits both an application data sheet and a preliminary amendment, the later filed document will govern. See 37 CFR 1.76(d)(1). An application data sheet will govern over a concurrently filed preliminary amendment. See 37 CFR 1.76(d)(2)

Here, pursuant to the policy set forth in the MPEP, the USPTO has assigned the national stage application the "title of the invention indicated on the cover page of the publication." Applicants have not filed either a preliminary amendment or an application data sheet (ADS) to change the title. Accordingly, applicants' present request to modify the title of the present application cannot be granted on the present record.

CONCLUSION

Applicants' request for a corrected filing receipt is DISMISSED without prejudice.

The title of record remains "Polyamides and Polyamide Complexes For Delivery of Oligonucleotide Decoys," as set forth on the published international application.



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